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Before the
Federal Communications Commission
Washington, D.C. 20554

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JUN 15 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	
And Their Impact on the Terrestrial	)	
Radio Broadcast Service	)	MM Docket No. 99-325

COMMENTS OF ARLINGTON BROADCASTING COMPANY

1. Arlington Broadcasting Company (herein "Arlington") is the licensee of two AM stations: WMPS(AM) on 1210 kilohertz assigned to Bartlett, Tennessee and WAVN(AM) on 1240 kilohertz assigned to Southaven, Mississippi.

2. The Commission released a *Further Notice of Proposed Rulemaking and Notice of Inquiry* in MM Docket No. 99-325, Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service. By this proceeding, the Commission stated it is seeking comments on how to "foster the development of a vibrant terrestrial digital radio service for the public and seek to ensure that radio broadcasters will successfully implement DAB." Within these herein Comments, Arlington wishes to specifically comment on the Technical Rule Amendments for the AM service.

3. Arlington supports the implementation of IBOC service during nighttime hours. However, Arlington further proposes that to increase the overall AM service viability of IBOC (in addition to analog) operations, two additional Rule changes should be made: (1) Class A (clear-channel) stations should just be to protected to their 0.5 mV/m groundwave contour in lieu of their current 0.5 mV/m 50 percent skywave contours and (2) elimination of the so-called "ratchet rule," requiring stations modifying their nighttime facilities to reduce their radiated field up to 10 percent in the directions of other stations in many circumstances.

4. Arlington submits to the Commission that as AM stations begin to implement IBOC operations, they may determine that their antenna systems need to be modified to improve their transparency of the signals that they transmit and increase their "broadbandness," so as to enhance the robustness of the IBOC transmission. Logically, since the antenna system equipment may need to be modified anyway, the licensee may review the frequency allocation to determine if any increase in power and/or modification of its directional antenna pattern could be simultaneously implemented with IBOC. Under the current AM allocation rules, more often that not, a significant improvement in nighttime service is not possible. Arlington proposes the aforementioned technical rule modifications to increase the possibility of an AM station providing greater nighttime service.

5. Arlington has in fact recently completed a nighttime allocation analysis on one of its stations, WMPS on 1210 kilohertz in Bartlett, Tennessee, to determine if it can increase its nighttime power. WMPS presently has a nighttime power of 250 watts and is considered a fulltime station. The allocation analysis determined that WMPS is prevented from improving its nighttime service (in both its analog and any future IBOC service) by Class A station WPHT on 1210 kHz at Philadelphia, Pennsylvania and WSKR on 1210 kHz at Denham Springs, Louisiana. The protection toward WPHT is due to the protection of its 0.5 mV/m skywave contour. Toward WSKR, WMPS would actually be required to reduce its radiation in that direction by ten percent (due to the "ratchet clause" requirement). If the AM nighttime allocation rules were modified as discussed below, the protection requirements to WPHT and WSKR would be reduced, thus permitting WMPS to increase its nighttime service.

6. Class A (Clear Channel) Nighttime Protection

Within the October 31, 2003 Field Report, "AM IBOC Nighttime Compatibility," prepared by Ibiquity Digital, it was observed that AM IBOC "has the potential to impact a desired first adjacent skywave signal in a narrow ring around each undesired IBOC station." Therefore, this IBOC interference will further reduce the specious supposition claim of widespread reliable skywave reception available from Class A stations. It is already recognized that this skywave coverage is not considered the primary coverage from a Class A station – it is only considered secondary. Also, the skywave coverage already is considered unreliable, due to the seasonal changes in the ionosphere and an ever-increasing "man-made" noise-floor.

7. Arlington submits that most of the United States is already well served with many types of aural service, and therefore not reliant upon skywave reception from Class A stations. As a matter of fact, if the skywave interference to Class A stations were calculated the way it is for all other stations – taking into account the contributions of first-adjacent channel stations – they would, in general, have no present reliable nighttime skywave service. Furthermore, with the implementation of IBOC (and the associated additional interference to skywave service from IBOC), the logical conclusion is that Class A skywave service areas should no longer be protected – only their 0.5 mV/m groundwave contours, or existing primary coverage areas, should be protected from interference.

8. Elimination of "Ratchet Clause"

Section 73.182(q) of the Commission's Rules requires when a AM station is modifying its nighttime facilities, and it already contributes to another station's nighttime limit (or otherwise known at the 50 percent RSS exclusion method), it must reduce its radiated field to the other station by up to ten percent. This ten percent field reduction is an equivalent 32 percent reduction in radiated power toward the other station. Arlington submits to the Commission that this requirement is not benefiting the AM nighttime service and should be eliminated.

9. This "ratchet clause" rule has been in effect for over a decade and was implemented by the Commission as a mechanism to reduce interference within the AM band. Based upon Arlington's anecdotal analysis of AM nighttime service over the past ten years, no reduction in interference at nighttime is observed. Furthermore, this Rule is in stark contrast with the allocation requirements of other media services, such as FM and TV. For both the FM and TV services, and even daytime AM service, if prohibited contour overlap now occurs (i.e., interference caused) to another station, the Commission just simply requires that the overlap area not be increased - just maintained.

10. The "ratchet clause" is also an unbalanced rule as it causes a much larger decrease in service within the coverage area of a station that must make the reduction than it improves in the nighttime coverage area of the station that is supposed to benefit from it. This is because the required reduction in field results in a corresponding 1:1 reduction in groundwave field strength toward the affected station's service area 100 percent of the time - while it only reduces the level of what is deemed to be an interfering skywave signal at other stations 10 percent of the time. The Commission recognized the

distinction between groundwave 100 percent of the time protection and skywave 10 percent of the time protection in Oro Spanish Broadcasting, Inc. proceeding.[1] The "ratchet clause" therefore does more harm than good.

11. Therefore, this "ratchet clause" rule has not resulted in its goal of reducing nighttime interference as initially believed by the Commission and actually prevents many AM stations from making improvements in their nighttime coverage areas. Arlington requests that this rule be eliminated.

Respectfully Submitted,

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1 See Oro Spanish Broadcasting, Inc., 6 FCC Rcd. 4411 (1991).